

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JUAN EDGAR BERNAL GUTIERREZ,	:	
	:	
Petitioner,	:	
	:	
-against-	:	20-cv-4046 (VEC)
	:	
	:	<u>ORDER</u>
THOMAS DECKER et al.,	:	
	:	
Defendants.	:	
-----X	:	

VALERIE CAPRONI, United States District Judge:

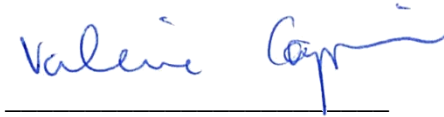
WHEREAS the Court held a telephonic hearing on June 1, 2020, with the parties;

IT IS HEREBY ORDERED the Government must submit a letter not later than **June 3, 2020**, describing ICE's testing methodology at Orange County Correctional Facility; in particular, how many tests for COVID are being performed, and whether consideration has been given to testing all inmates, all incoming inmates, or all corrections officers regardless of whether the person is symptomatic. With its letter, the Government must also include ICE's rationale for denying Petitioner's application for discretionary release and the percentage and absolute number of detainees reviewed pursuant to the April 10, 2020, ICE Guidance referenced in paragraph 9 of the Declaration of Thomas Flynn who were released by the office that reviewed Petitioner for release. Finally, the Government must also address whether any particular procedures are in place to deal with high-risk detainees like the Petitioner or whether the policies and procedures specified are uniform across all detainees, regardless of risk associated with COVID.

IT IS FURTHER ORDERED that Petitioner may respond to the Government's letter and issues raised at the hearing no later than **June 5, 2020**.

**SO ORDERED.**

**Date: June 2, 2020**  
**New York, New York**



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**VALERIE CAPRONI**  
**United States District Judge**